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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY  
LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master Docket No.: 4:20-cv-03056-DMR

**STATEMENT OF RECENT DECISIONS**

Hon. Donna M. Ryu

Date: Feb. 11, 2021

Time: 1:00 pm

1           **TO THE COURT AND EACH PARTY AND ATTORNEY OF RECORD FOR**  
 2           **EACH PARTY:**

3           Pursuant to Civil Local Rule 7-3(d)(2), Plaintiffs respectfully inform this Court of two  
 4 recent decisions relevant to their Opposition to Plaid's Motion to Dismiss Plaintiffs' Consolidated  
 5 Amended Complaint, which was heard on February 11, 2021. The portions of each decision  
 6 discussing claims and defenses at issue in this action are described in brief below.

7           Attached hereto as **Exhibit A** is a copy of the Order Denying Motion to Dismiss in *Brown*  
 8 *v. Google LLC*, Case No. 20-CV-03664-LHK (N.D. Cal.), ECF No. 113, which issued on March  
 9 12, 2021. In *Brown*, U.S. District Judge Lucy Koh denied a motion to dismiss claims based on  
 10 Google's alleged practice of collecting users' data while they browsed the internet in private  
 11 browsing mode, holding that Google failed to show that users consented to the collection of their  
 12 personal data, notwithstanding the company's Terms of Service and Privacy Policy. *Id.* at 13-20.  
 13 The court also held that the fraudulent concealment doctrine tolled the statutes of limitations, and  
 14 that each invasion of the plaintiffs' rights constituted a separate violation for limitations purposes.  
 15 *Id.* at 20-27. Finally, the court held that the plaintiffs stated claims under the California Computer  
 16 Data Access and Fraud Act, and for common law intrusion upon seclusion and invasion of  
 17 privacy. *Id.* at 32-41.

18           Attached hereto as **Exhibit B** is a copy of the Order Granting in Part and Denying in Part  
 19 Motion to Dismiss in *Calhoun v. Google LLC*, Case No. 20-CV-05146-LHK (N.D. Cal.), ECF  
 20 No. 142, which issued on March 17, 2021. In *Calhoun*, Judge Koh granted in part and denied in  
 21 part a motion to dismiss claims based on Google's alleged collection and storage of Google  
 22 Chrome users' data, holding that Google's disclosures failed to show user consent and that  
 23 statutes of limitations did not bar the plaintiffs' claims. *Id.* at 11-21. The court held that the  
 24 plaintiffs stated claims for intrusion upon seclusion, and that the loss of the plaintiffs' personal  
 25 information constituted economic injury sufficient to satisfy the UCL's "lost money or property"  
 26 requirement. *Id.* at 26-30, 37-39. The plaintiffs' Computer Fraud and Abuse Act and Stored  
 27 Communications Act claims were dismissed with leave to amend, the former for failure to  
 28 specifically allege that plaintiffs had suffered losses exceeding \$5,000 during a one-year period.

1 *Id.* at 21-26, 34-35.

2  
3 Dated: March 23, 2021

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17 Dated: March 23, 2021

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